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REMARKS

This amendment is submitted following the May 8, 2006 interview with Examiner Kyle and SPE Millin, which is gratefully acknowledged. At the interview, the patentability of the claims over the teachings of the Fleming patent and Gray newspaper article were discussed. The Examiners recommended that the within Communication be submitted to address the patentability of the present invention over the two publications in advance of the next Office Action. They also requested identification of the claim limitations that were supported by the priority application to assist with evaluation of patentability.

Claims 75, 88 and 99 have been amended to more particularly point out and distinctly claim the subject matter that Applicant regards as the invention. All three independent claims have been amended to clarify that the fund depositor uses a personal computer to supply information to both set up and transfer money into the third party account. With Claims 75 and 99, the fund depositor also uses a personal computer to supply information for programming the periodic and automatic transfer of funds into the third party account. This was originally disclosed in the specification filed June 16, 1997 from page 18, line 15 to page 19, line 17, and does not introduce new matter.

Claims 75, 88 and 99 have also been amended to clarify that the third party account is linked to the bank or credit card account of a fund depositor and accessible with a magnetic card encoded with account information for use by access by a son or daughter to withdraw cash or transfer funds as payment for goods and services. This was merely a rewording of the claims for clarification without the addition of subject matter. Finally, Claims 106 and 107 have been amended to correct typographical errors, which also does not introduce new matter. In view of the above claim amendments and the following remarks, favorable consideration by the Examiner and allowance of the application is respectfully requested.

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The following is a summary of disclosure relevant to the subject matter of the independent claims that was presented in the priority application filed April 16, 1996:

1. The system is supported by a major credit card company.
2. John Doe has a credit card with that company and wants to give his son and daughter a monthly allowance.
3. He has the credit card company issue two magnetic allowance cards linked to his account for use by his son and daughter.
4. He instructs the credit card company to charge \$80 to his account every month and put \$40 on each child's allowance card.
5. If the child chooses to spend the money quickly or slowly, it is their choice, however they will not get any more money until the next month.
6. The day, place, amount and items that were purchased by the child are documented.

Applicant submits that the Application filed April 16, 1996 thus provides enabling and therefore priority support for (A) creating a third party account linked to a debit or credit card account of a fund depositor that is accessible by a magnetic allowance card encoded with account information that is used by a son or daughter to withdraw cash or transfer funds as payment for goods or services, (B) periodically and automatically transferring funds into the allowance card account; (C) storing information on fund transferees and corresponding payment amounts; and (D) supplying this information to the fund depositor.

The present application is a Divisional of U.S. Patent Application Ser. No. 08/876,929 filed June 16, 1997. The 1997 Application is a Continuation-In-Part of the 1996 Application and issued as U.S. Patent No. 6,044,360. The specification of the 1997 Application is identical to the specification of the present application and thus provides priority support anything in the present claims that is not supported by the 1996 Application.

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Turning to the prior art, the Gray newspaper article has been cited as disclosing that it was old and well-known to open child accounts with their own checkbooks and ATM cards with the child accounts linked to parents' accounts to make automatic deposits. This rejection is respectfully traversed in view of the above claim amendments for the reasons set forth hereinafter.

Gray was cited as disclosing child accounts linked to parent accounts because of the following disclosure:

The accounts are set up to allow automatic deposit, too. Ryan's mother, Kurtina Roberts, an accountant, plops Ryan's \$20 biweekly allowance straight into his account when she gets paid.

However, this must be read in the context of the next paragraph:

Ryan is responsible for reviewing his bank statement, checking the interest and making additional regular deposits as he earns money through baby-sitting and chores. Ryan's sister, Amanda Roberts, 8, just opened her account, starting with a \$50 bill she received as a Christmas gift. She'll be getting automatic deposits of \$5 a month allowance, also direct from her mother's paycheck.

In other words, Gray does not disclose an account linked to a fund depositor's credit card or checking account. Instead a split deposit is made of the parent's automatic payroll deposit, in which \$20 every other week is deposited into a son's account and \$5 every month is deposited into a daughter's account. The balance of the paycheck is deposited in the parents account. Because the claims of the present application are limited to accounts for sons and daughters linked to the credit cards and checking accounts of fund depositors and are therefore not anticipated by Gray under 35 U.S.C. §102(b).

The claims have been further limited to require that a personal computer be used by the fund depositor to supply the information used to create the account for his or her son or

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daughter and to transfer funds to the account, either by outright transfer (Claim 99) or by supplying the information needed to establish periodic and automatic allowance payments (Claims 75 and 88). Such limitations provide additional novelty over the Gray disclosure.

The presently claimed methods are also not obvious in view of the Gray disclosure. Gray only discloses a method in which fund transfers coincide with the payday of the fund depositor. The fund depositor can transfer funds less frequently, i.e., alternate paydays, but cannot transfer funds more frequently. A fund depositor who is paid bi-weekly may prefer to transfer a smaller amount every week. The fund depositor is also unable to make additional transfers should an emergency arise. There is thus no suggestion in Gray or any of the other prior art of record to motivate the modification of the teaching of Gray to utilize a direct link to a fund depositor's bank or credit card account so that fund transfers can be made more frequently than every payday. For the foregoing reasons, the pending claims are also not obvious in view of Gray under 35 U.S.C. §103(a).

As for Fleming, the application from which this patent issued was filed on October 9, 1996. This is before the filing date of the parent 1997 Application but after the filing date of the 1996 grandparent Application. Were it not for the 1996 grandparent Application, Fleming would be prior art against the present Application under 35 U.S.C. §102(a). Applicant submits, that because the pending claims of the present application are sufficiently enabled by the teachings of the 1996 Application outlined above, Fleming is not prior art against any claims.

Otherwise, Fleming does not disclose the step of Claims 75 or 99 in which information on purchases by the son or daughter is supplied to the fund depositor through a CRT or LCD output. That is, there is no teaching or suggestion for that a fund depositor to receive e-mail notification, or to be able to review online at any time, the purchases made by their son or daughter. Instead they must wait for the monthly statement to arrive in the mail. On the basis of this method step claims 75, 99 and the claims depending therefrom patentably define over Fleming under both 35 U.S.C. §102(e) and §103(a).


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In view of the foregoing claim amendments and remarks, a favorable action on the merits is respectfully requested. The Examiner is requested to telephone the undersigned to discuss any remaining issues in this application to be resolved.

Finally, the Examiner is authorized to charge applicant's Deposit Account No. 19-5425 for any additional charges in connection with this Amendment.

Respectfully submitted,


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